Office of Chief Counsel Internal Revenue Service

memorandum

CC:WR:NCA:SF:TL-6092-99
KGCroke

date: January 25, 2000

to: Chief, Examination Division, Northern California District

Attn: Bonnie Miller

from: District Counsel, Northern California District, San Francisco

subject: New

New _____

Power of Attorney for

DISCLOSURE STATEMENT

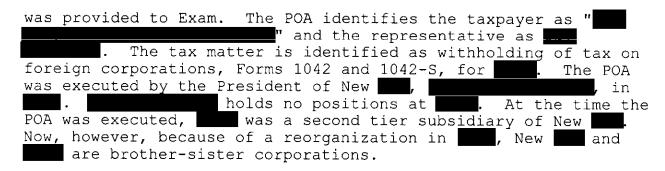
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ISSUE

Whether a power of attorney executed by New start's president meets the requirements of Treas. Reg. § 601.503 such that it can be relied upon by Exam.

FACTS



T.AW

Treas. Reg. § 601.503 sets forth requirements of a power of attorney. It provides that a power of attorney must contain the:

- (1) name and mailing address of the taxpayer;
- (2) identification number of the taxpayer (i.e., social security number and/or employer identification number);
 - (3) employee plan number (if applicable);
- (4) name and mailing address of the recognized
 representative(s);
- (5) description of the matter(s) for which representation is authorized which, if applicable, must include--
 - (i) the type of tax involved;
 - (ii) the Federal tax form number;
 - (iii) the specific year(s)/period(s) involved; and
 - (iv) in estate matters, decedent's date of death; and
- (6) a clear expression of the taxpayer's intention concerning the scope of authority granted to the recognized representative(s).

In the case of a corporation, a power of attorney must be executed by an officer of the corporation having authority to legally bind the corporation, who must certify that he/she has such authority.

DISCUSSION

provided by Exam lists New and subsidiaries as the TP and
lists New's EIN. Arguably, is included by the reference
to subsidiaries. Given that is no longer a subsidiary of
New , however, is a cause of concern. More of a problem is
the fact that the POA does not list the EIN of . Finally,
the POA is not executed by an officer of with the authority
to bind the corporation.

For the following reasons, we advise that you get a new POA listing as the taxpayer, is EIN, and that is executed by an officer of with the authority to bind the corporation.

PETER R. HOCHMAN Acting District Counsel

By: _____

KEVIN G. CROKE Attorney